

## Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 AID-05 CEQ-01 CIAE-00  
COME-00 DODE-00 EB-07 EPA-01 INR-07 IO-13 L-03  
NSF-01 NSC-05 NSAE-00 PM-05 USIA-06 SS-15 SP-02  
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-----117426 191805Z /53

R 191711Z JUL 77

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 5887

ERDA WASHDC

ERDA GERMANTOWN MD

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E.O. 11652: N/A

TAGS: SENV, TECH, FR, US

SUBJECT: PROPOSED FRANCO-AMERICAN COOPERATIVE PROJECT  
IN SOLAR ENERGY

REF: (A)STATE 40136; (B)PARIS 07982; (C) TELEX OF  
MAY 19, 1977, FROM SANDIA LAB

1. SUMMARY. EMBASSY AND CNRS WITH EXTENSIVE HELP FROM VISITING ERDA AND CONTRACTOR PERSONNEL HAVE DEVELOPED THE TEXT OF A MEMORANDUM OF UNDERSTANDING (MOU) COVERING THE SUBJECT PROJECT ON CERTAIN SAFETY ASPECTS OF SOLAR TOWERS. THE TEXT OF THAT MEMORANDUM IS INCLUDED IN FULL. CNRS HAS INFORMED THE EMBASSY FIRST THAT IT FEELS A NEW MOU IS NEEDED AND SECOND THAT SOME CHANGES ARE REQUIRED IN THE ORIGINAL US PROPOSAL. IT MAY BE THAT THE NEW DIRECTOR OF CNRS, ROBERT CHABBAL, WOULD LIKE TO CONCLUDE A NEW MEMORANDUM DURING HIS VISIT TO WASHINGTON AT THE END OF JULY. EMBASSY REQUESTS DEPARTMENT'S AND ERDA'S CONCURRENCE IN THE TEXT TRANSMITTED WITH THIS MESSAGE.

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2. THE TEXT OF THE DRAFT MOU IN PARA 5 OF THIS CABLE CONSISTS OF A TEXT BY ERDA OFFICIAL GEORGE KAPLAN AND SANDIA CONTRACTOR CLIFFORD SELVAGE LATER APPROVED BY CNRS SOLAR ENERGY DIRECTOR, MICHEL RODOT. THERE WAS NO DISAGREEMENT BETWEEN THESE PARTIES ON THE SUBSTANCE COVERED BY THE MEMORANDUM. OUR

APPROACH TO THE CONCLUSION OF THIS STATEMENT, WHICH INITIALLY RECEIVED APPROVAL FROM THE SOLAR ENERGY AND INTERNATIONAL AFFAIRS DIVISIONS OF CNRS, WAS THAT THE STATEMENT WOULD BE DIRECTLY SUBORDINATED TO THE ERDA/CNRS SOLAR MOU OF MAY 7, 1976, POSSIBLY THROUGH AN EXCHANGE OF LETTERS BETWEEN THIS EMBASSY AND CNRS.

3. IN OUR CONVERSATIONS DURING THE PAST MONTH WITH CNRS, WE HAVE BEEN INFORMED THAT THE LEGAL DIVISION OF THAT ORGANIZATION BELIEVES THAT THE MAY 1976 MOU DOES NOT HAVE SUFFICIENT BREADTH TO COVER SUCH A WORKING STATEMENT. THE RESULT OF THIS NEW APPROACH IS THAT CNRS HAS PROPOSED A NEW MOU WITH SIGNATURES SIMILAR TO THOSE OF THE MAY 1976 MOU.

4. COMMENT: BERNARD GREGORY WAS DIRECTOR OF CNRS AT THE TIME OF THE MAY 1976 MOU SIGNING AND HE MADE AN ISSUE OF HIS VISITING WASHINGTON FOR "FINAL NEGOTIATIONS" AND SIGNATURE IN WASHINGTON OF THE MOU. IT MAY BE THAT CHABBAL AS THE NEW DIRECTOR OF CNRS WISHES TO HAVE HIMSELF DIRECTLY INVOLVED IN ANY NEW COOPERATIVE VENTURES SUCH AS THIS JOINT STUDY ON CERTAIN SAFETY ASPECTS OF SOLAR TOWERS.

5. THE PROPOSED FRENCH MOU REPRESENTS THE CNRS TRANSLATION OF THE FRENCH TEXT, WITH SOME EDITORIAL CORRECTIONS FROM THE EMBASSY. BEGIN TEXT:  
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#### I. PREAMBLE

1. WHEREAS THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE FRENCH REPUBLIC HAVE, IN JOINT STATEMENTS ON COOPERATION IN SCIENCE AND TECHNOLOGY RELEASED ON SEPTEMBER 23, 1969, AND NOVEMBER 25, 1969, EXPRESSED THE INTENTION TO COOPERATE THROUGH THEIR RESPECTIVE AGENCIES AND INSTITUTES IN ACTIVITIES TO EXPLORE METHODS OF PROVIDING ALTERNATIVE ENERGY SOURCES; AND

2. WHEREAS THE NATIONAL SCIENCE FOUNDATION OF THE UNITED STATES (NSF) AND THE CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE OF THE FRENCH REPUBLIC (CNRS) HAVE BEEN COOPERATING IN THE STUDY, RESEARCH, AND EVALUATION OF COMPONENTS, SUBSYSTEMS, AND SYSTEMS FOR THE THERMAL CONVERSION OF SOLAR ENERGY INTO ELECTRICAL POWER THROUGH AN AGREEMENT SIGNED ON JUNE 24, 1974, BETWEEN THE GEORGIA INSTITUTE OF TECHNOLOGY (GIT) AND CNRS; AND

3. WHEREAS THE UNITED STATES ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION (ERDA) AND THE CENTRE NATIONAL

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DE LA RECHERCHE SCIENTIFIQUE (CNRS) SIGNED ON MAY 7,  
1976, A MEMORANDUM OF UNDERSTANDING FOR COOPERATION IN  
JOINT RESEARCH ON SOLAR THERMAL CONVERSION SYSTEMS; AND

4. WHEREAS, SATISFIED WITH THE RESULTS, THEY ARE  
WILLING TO EXTEND THIS COOPERATION TO NEW TOPICS AND  
ESPECIALLY TO THE STUDY OF CERTAIN SAFETY ASPECTS OF  
SOLAR TOWERS;

5. THE UNITED STATES ENERGY RESEARCH AND DEVELOPMENT  
ADMINISTRATION (ERDA) AND THE CENTRE NATIONAL DE LA  
RECHERCHE SCIENTIFIQUE (CNRS), HEREINAFTER REFERRED TO  
AS THE PARTIES,

6. NOW, THEREFORE, HEREBY AGREE AS FOLLOWS:

## II. GENERAL PRINCIPLES

1. THE IMMEDIATE AIM OF THE COOPERATIVE PROGRAM  
DESCRIBED HEREINAFTER, IS TO ACQUIRE INFORMATION ABOUT  
THE RISKS INVOLVED IN THE USE OF THE FIELDS OF HELIOSTATS  
OF SOLAR TOWERS AND ON HOW TO MINIMIZE THESE RISKS.

## III. CONDUCT OF THE PROGRAM

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1. ERDA WILL CONDUCT TESTS AT THE SOLAR THERMAL TEST FACILITY AT SANDIA, ALBUQUERQUE ON: (A) FLUX INTENSITY MEASUREMENTS OF SINGLE HELIOSTAT BEAMS VERSUS DISTANCE AT GROUND LEVEL; AND (B) QUALITATIVE AND QUANTITATIVE CHARACTERIZATION OF LIGHT REFLECTED INTO THE AIRSPACE ABOVE THE FIELD OF 78 FOCUSED HELIOSTATS BY MEANS OF AIRCRAFT (OR HELICOPTER) FLYOVERS.

2. THE CNRS WILL CONDUCT SIMILAR TESTS AT THE SOLAR FURNACE AT ODEILLO USING THE 63 FLAT HELIOSTATS.

3. THE TESTS WILL INVOLVE THE CALCULATION OF THE FLUX AT DIFFERENT POINTS IN SPACE FOR THE MOST DANGEROUS CONFIGURATIONS, CALCULATIONS OF THE PROBABILITY THAT GIVEN DANGER THRESHOLDS WILL BE CROSSED, AND DEFINITION OF PROCEDURES FOR PILOTING AIRCRAFT OVER THE HELIOSTAT FIELD IN SUCH A WAY AS TO MINIMIZE RISKS IN THAT AIR SPACE.

4. MOVIE FILM IS EXPECTED TO BE THE PRINCIPAL METHOD OF DATA ACQUISITION FOLLOWED BY DENSITOMETRY AND IMAGE ANALYSIS TECHNIQUES FOR QUANTIFICATION OF TYPICAL AND WORST CASE CONDITIONS.

5. EACH PARTY WILL DEVELOP ITS OWN TEST PLAN, CONDUCT ITS OWN TESTS, AND ANALYZE ITS OWN DATA, GENERAL TEST PLANS WILL BE EXCHANGED AND TEST DATA AND ANALYSES WILL BE JOINTLY REVIEWED.

6. OBSERVERS FROM ONE PARTY WILL BE WELCOME AT PRINCIPAL TESTS OF THE OTHER PARTY. THE NOMINATION OF THESE OBSERVERS IS MADE BY THE SENDING PARTY AND SUBJECT TO THE APPROVAL OF THE JOINT COMMITTEE DEFINED IN ARTICLE 8.

7. ERDA TESTS ARE SCHEDULED FOR THE PERIOD MAY TO AUGUST, 1977; CNRS TESTS ARE SCHEDULED FOR APRIL, 1978.

8. A JOINT COMMITTEE IS HEREBY ESTABLISHED TO LIMITED OFFICIAL USE

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ENSURE THE NECESSARY COORDINATION FOR THE ACHIEVEMENT OF THE SPECIFIC PROGRAM ABOVE DEFINED. IT IS PART, AMONG OTHERS, OF ITS FUNCTIONS TO DETERMINE PRECISELY THE DAYS FOR THE JOINT MEETINGS REFERRED TO IN ARTICLE 10 BELOW.

ERDA AND CNRS SHALL EACH APPOINT THREE MEMBERS OF THE JOINT COMMITTEE, AND ALTERNATE MEMBERS AS MAY BE NECESSARY.

9. CNRS ASSUMES RESPONSIBILITY FOR THE SAFE FUNCTIONING OF THE TEST FACILITIES IN ODEILLO AND ERDA OR ITS CONTRACTORS, ACCORDING TO THE CONDITIONS LAID DOWN IN THE AGREEMENTS BETWEEN THEM, ASSUME RESPONSIBILITY FOR THE SAFE FUNCTIONING OF THE TEST FACILITIES IN ALBUQUERQUE.

EACH PARTY ASSUMES RESPONSIBILITY FOR THE SAFETY OF THE OBSERVERS OF THE OTHER PARTY INSIDE THE PRECINCTS OF THE TEST FACILITIES EXCEPT IN CASES WHEN THE OBSERVER WAS THE VICTIM OF HIS OWN FAULT OR NEGLIGENCE.

10. THE JOINT EXAMINATION OF THE RESULTS OF THESE TESTS WILL INCLUDE CONCLUSIONS ABOUT EVALUATION OF THE RISKS, ABOUT CONSTRAINTS ON THE CHOICE OF SITES WHICH FOLLOW THIS EVALUATION TAKING DUE ACCOUNT OF EACH COUNTRY'S CIVIL AVIATION REGULATIONS, OPTIMUM PROCEDURES FOR PILOTING AIRCRAFT IN THE REGION, AND ANY SPECIAL CIVIL AIR NAVIGATION RULES WHICH MIGHT BECOME NECESSARY, SUCH AS FORBIDDEN ZONES, SIGNALING, ETC.

11. THESE RESULTS WILL BE EXCHANGED AND DISCUSSED AT JOINT MEETINGS OF THE PARTIES' REPRESENTATIVES PLANNED FOR OCTOBER, OR NOVEMBER, 1977, IN ALBUQUERQUE, NEW MEXICO, U.S.A., AND IN THE SUMMER OF 1978 IN FRANCE, AND AT OTHER APPROPRIATE OCCASIONS.

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 AID-05 CEQ-01 CIAE-00  
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12. SHOULD THE RESULTS OBTAINED JUSTIFY THE UNDERTAKING OF JOINT TESTS, THE JOINT COMMITTEE WILL STUDY THE MODE OF CARRYING THEM OUT. THIS MODE WILL BE DEFINED BY MUTUAL CONSENT OF THE PARTIES.

IV. DATA

1. EXCEPT IN CASES WHERE THERE COULD BE AN INVENTION, REFERRED TO IN SECTION V, SCIENTIFIC AND TECHNICAL RESULTS, INFORMATION, AND DATA RESULTING FROM THE PROGRAM ACTIVITIES WILL BE FREELY AVAILABLE TO BOTH ERDA AND CNRS FOR THEIR USE OR FOR USE BY OTHER PERSONS AS EITHER PARTY MAY DEEM APPROPRIATE.

2. EXCEPT IN CASES WHERE THERE COULD BE AN INVENTION, REFERRED TO SECTION V, EACH PARTY WILL BE PERMITTED TO DISSEMINATE THESE DATA AS PUBLICATIONS IN SCIENTIFIC JOURNALS OR BY OTHER CHANNELS CUSTOMARY TO THE SCIENTIFIC COMMUNITY.

#### V. INVENTIONS

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1. THIS MEMORANDUM SHALL NOT AFFECT EXISTING RIGHTS BETWEEN THE PARTIES TO THE INVENTIONS CONCEIVED OR FIRST ACTUALLY REDUCED TO PRACTICE PRIOR TO THIS MEMORANDUM.

2. ANY INVENTION OR DISCOVERY MADE OR CONCEIVED BY EITHER PARTY OR ITS CONTRACTORS UNDER OR IN THE COURSE OF THE IMPLEMENTATION OF THIS COOPERATIVE PROGRAM WILL BE EXCLUSIVELY OWNED BY THIS PARTY.

2.1. EACH PARTY WILL PROTECT, IF IT SO WISHES, IN ITS OWN COUNTRY AND ABROAD, THE INVENTIONS IT WILL HAVE MADE UNDER THIS AGREEMENT.

2.2. THE PARTY WHICH OWNS AN INVENTION REFERRED TO IN THIS SECTION V, PARAGRAPH 2, SHALL LICENSE THE PATENTS TO NATIONALS OF THE OTHER PARTY UPON REQUEST OF SUCH OTHER PARTY, ON NONDISCRIMINATORY TERMS AND CONDITIONS. AT THE TIME OF SUCH A REQUEST, THE OTHER PARTY WILL BE INFORMED OF ALL LICENSES ALREADY GRANTED UNDER SUCH PATENT.

3. THE INVENTIONS RESULTING FROM WORK ACHIEVED JOINTLY BY THE PARTIES UNDER THIS AGREEMENT SHALL BE THE OWNERSHIP OF BOTH PARTIES.

THE QUOTA OF EACH PARTY ON THE SAID INVENTIONS AND THE MODE OF USE WILL BE DECIDED BY MUTUAL AGREEMENT BETWEEN THE PARTIES.

4. THE PARTIES TO THIS MEMORANDUM SHALL PROVIDE ALL NECESSARY COOPERATION FROM THEIR INVENTORS TO CARRY OUT THE PROVISIONS OF PARAGRAPHS 1 AND 2 ABOVE.

5. EACH PARTY TO THIS MEMORANDUM SHALL ASSUME THE RESPONSIBILITY TO PAY AWARDS OR COMPENSATION REQUIRED TO BE PAID TO ITS OWN NATIONALS ACCORDING TO ITS OWN LAWS.

6. DISCLOSURE OF INVENTIONS MADE BY ONE PARTY TO THE OTHER DURING THE COURSE OF ANY TECHNICAL INTERCHANGE  
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OR REVIEW SHALL BE HELD CONFIDENTIAL FOR THE PERIOD  
NECESSARY TO FILE PATENT APPLICATIONS IN THE COUNTRY  
OF EITHER PARTY.

7. THE JOINT COMMITTEE ESTABLISHED IN SECTION III  
ABOVE IS RESPONSIBLE FOR COORDINATING MATTERS AND  
SETTLING DISPUTES RESULTING FROM THE APPLICATION OF  
PARAGRAPHS 1 AND 2 ABOVE.

8. IN THIS SECTION III ABOVE THE MEANING OF  
"PARTY" SHALL INCLUDE ANY AFFILIATED GOVERNMENT AGENCY  
HOLDING PATENTS ON BEHALF OF A PARTY.

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#### VI. FINANCING

EACH PARTY ASSUMES THE FINANCIAL COST OF THE PART  
OF THE PROGRAM DEFINED ABOVE, WHICH IS ACHIEVED IN ITS  
OWN FACILITIES AND OF THE MISSIONS OF ITS OWN REPRESENTATIVES IN THE COUNTRY OF THE OTHER PARTY.

#### VII. FINAL PROVISIONS

1. THIS MEMORANDUM WILL BECOME EFFECTIVE UPON

SIGNATURE BY THE DULY AUTHORIZED REPRESENTATIVES OF  
BOTH PARTIES AND WILL REMAIN IN EFFECT FOR TWO YEARS  
AFTER THE DATE OF SIGNATURE.

2. BY MUTUAL CONSENT OF THE PARTIES, THIS  
MEMORANDUM MAY BE RENEWED FOR ADDITIONAL PERIODS SHOULD  
THE RESULTS OBTAINED SHOW THAT FURTHER TESTS ARE  
NECESSARY.

3. BY MUTUAL CONSENT, THE PARTIES MAY ALSO AT  
ANY TIME BRING TO THIS MEMORANDUM THE MODIFICATIONS  
THEY DEEM NECESSARY.

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IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS  
MEMORANDUM ON...END TEXT.

6. OVERALL COMMENT: DEPARTMENT AND ERDA MAY WISH  
TO NOTE SOME CHANGES FROM MAY 7 MOU, AS FOLLOWS:

(A) MUTUAL WELCOMING OF OTHER PARTIES' OBSERVERS  
SUGGESTED IN ORIGINAL. FRENCH HAVE ADDED PROVISION  
THAT JOINT COMMITTEE WILL PASS ON THESE OBSERVERS  
(III, 6 AND 8).

(B) EACH PARTY IS TO ASSUME RESPONSIBILITY FOR THE  
SAFETY OF OBSERVERS, EXCEPT FOR INJURIES WHICH ARE THE  
FAULT OF THESE OBSERVERS.

(C) THE PROVISION FOR INVENTIONS (V, 1-3) REPRESENTS  
A REVISION OF THE MAY 7, 1976, MOU, WHILE V 4-8 IS  
TAKEN DIRECTLY FROM THAT DOCUMENT.  
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## Message Attributes

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**TAGS:** SENV, TECH, ENRG, FR, US  
**To:** STATE ERDA WASHDC  
**Type:** TE  
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